

Ordinance No. 11-11

ORDINANCE: To amend Chapter 21 of the Rockville City Code entitled "Streets and Public Improvements" so as to include provisions to require permits for blocking pedestrian or vehicular traffic and to protect and/or repair existing improvements within a City right-of-way (ROW) or easement; increase the validity period of construction permits from six months to two years; establish fees for plan review and ROW protection; and change approval authority from the Mayor and Council to the Director of Public Works for permit extensions.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 21 of the Rockville City Code entitled "Streets and Public Improvements" be amended by amending Division 2. entitled "Permit" as follows:

CHAPTER 21. STREETS AND PUBLIC IMPROVEMENTS

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DIVISION 2. PERMIT

Section 21-41. Required

(a) No person, including a governmental agency, whose property lies in the corporate limits of the City, shall construct, connect to, install, plant or begin to construct, connect to, install or plant any road, sidewalk, curb, gutter, drainage structure, driveway apron or entrance, retaining wall, steps, sanitary sewer mains or laterals, water mains or laterals, trees, foliage in the corporate limits of the City, or grade, sod, seed, excavate, drill, or otherwise perform any type of construction, connection, or installation of either a permanent or temporary nature within a City public right-of-way or easement in the corporate limits of the City without first applying for and obtaining a permit therefor from the City.

(b) No person, including any utility corporation, shall [cut any roads] work within a City public right-of-way or easement in the corporate limits of the City for the purpose of installing, maintaining, or connecting [underground] gas, electric power, telephone lines, telecommunication lines, water or sewer [lines] mains, CATV wires, or for any other purpose, without first applying for and obtaining a permit therefor from the City.

(c) No person shall block or obstruct pedestrian or vehicular traffic within a City public right-of-way or easement in the corporate limits of the City without first applying for and obtaining a permit therefor from the City, as determined by the City.

(d) No person shall unload or operate construction equipment within a City public right-of-way or easement in the corporate limits of the City, except self-propelled equipment which is traversing a City roadway, without first applying for and obtaining a permit therefor from the City, as determined by the City.

Section 21-42. Review, Permit and Inspection fees.

(a) Where an abutting property owner, whose property lies in the corporate limits of the City, applies for such a permit under subsection (a) of Section 21-41 to do any such work at his own expense on City public property abutting a house in which he resides, the City, upon issuance of a permit shall make no charge therefor.

(b) Before [any apron, road, sidewalk, curb and gutter, water, sewer, or drainage project (except a project which is entirely a grading project) may be begun on a road or within the boundaries of a dedication to public use, the applicant for a permit to undertake any such project shall pay to the City a percentage, as set by resolution, of the estimated cost of such project as an inspection and engineering fee. The Engineer shall determine the estimated cost of the project by using average costs submitted on recent bids received by the City for comparable work.] the design or construction of work as described in 21-41 (except a project which is entirely a grading project) may begin within a City public right-of-way or easement in the corporate limits of the City, the applicant for a permit to undertake any such project shall pay to the City the appropriate fee.

(i) At the time of application, applicant shall pay a Plan Review Fee, based on a percentage of the estimated cost of such project, for work described in 21-41 (a).

(ii) At the time of application, applicant shall pay a Utility Plan Review and Permit Fee for work described in 21-41(b).

(iii) At the time of application, applicant shall pay a Right-of-Way Protection Fee for work described in 21-41(c) and (d).

(iv) At the time of permit-issuance, applicant shall pay a Permit Fee, based on a percentage of the estimated cost of such project, for work described in 21-41 (a).

(c) The Engineer shall determine the estimated cost of the project by using average costs submitted on recent bids received by the City for comparable work.

[(c)] (d) Fees for permits required by this Section 21-42 shall be as established by resolution of the Mayor and Council.

(e) [One-half of the fees prescribed by this section shall be refunded to the applicant if his permit is denied. In the event an applicant proposed to undertake a

project using materials, standards or specifications superior to the minimum requirements, then the fee shall be computed upon the estimated cost of the project as if it were to be done in accordance with the minimum requirements.] Plan approvals for work described in 21-41 expire six months after the plan approval date if the corresponding permit has not been issued within that period. The Department may require plans to be revised to address changes in Standards before the plans are re-approved. No permit will be issued if supporting construction plans have expired.

Section 21-43. Conditions.

[Construction] [p]Permits required by this division shall be issued upon the following conditions, which conditions shall be specified in the permits:

(1) Irrespective of the plans and specifications accompanying the application, the actual construction shall conform to law and to the minimum requirements for a road of its class.

(2) The permit shall be nontransferable and it shall be invalid if any provision thereof is violated.

(3) The permit shall [shall automatically expire six (6) months] be valid up to two years after its issuance unless extended in writing by the [City Manager] Engineer stating the reasons for the extension. [Such extension shall be promptly submitted and subject to approval by resolution of the council in open session.] No extensions shall be granted unless the performance bond filed with the permit by its terms continues in full force and effect or a new performance bond is filed. The request for permit extension shall be accompanied by such fee as is established by Resolution of the Mayor and Council.

(4) The permittee and his agents, servants and subcontractors shall comply with all written requirements of the [City Manager] Engineer directed to the permittee (either before or during the course of grading or construction) which are deemed necessary in the interest of public safety or for the avoidance of unnecessary inconvenience to the public during such grading or construction.

(5) The construction work, materials, plans and specifications shall at all times be open to and available for inspection by duly authorized officials and employees of the City. Permittees shall give notice to the office of the [City Engineer] Department of Public Works at least forty-eight (48) hours in advance prior to commencing any construction for which the permit is issued.

(6) No [permit for] paving shall be [issued] initiated unless there has been a final inspection and approval of grading by the Engineer.

(7) No permit shall be issued for construction unless the right-of-way or easement has been acquired by the City or has been dedicated to public use, and such acquisition or dedication has been duly recorded among the land records of the County.

(8) Whenever, in the opinion of the Engineer, the conditions of any permit are being violated the Engineer may order the permittee to stop construction and may revoke the permit. The willful refusal of any permittee to stop construction after receiving notice of a stop-work order shall be unlawful.

(9) Upon a finding that the standards and specifications are not feasible or practicable for a particular project, the Engineer may require such alternate or additional standards and specifications in accordance with good engineering principles, as may be deemed necessary, and such alternate or additional requirements shall be part of a condition of the permit.

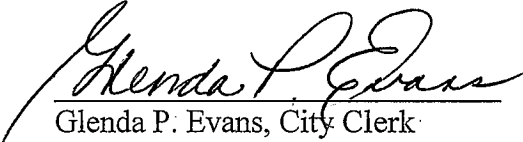
Note: [Brackets] indicate material deleted.

Underlining indicates material added.

Asterisks * * * indicated unchanged by this ordinance.

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I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of June 20, 2011.


Glenda P. Evans, City Clerk